

REMARKS

The present Amendment is in response to the Office Action having a mailing date of March 3, 2004. Claims 1-35 and 49 are pending in the present Application. Applicant has amended claims 1-6, 8, and 15-22. Applicant has also canceled claim 49. Consequently, claims 1-35 remain pending in the present Application.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

Applicant has amended claim 1 to incorporate the limitation of claim 49 as a step (d). Similarly, Applicant has amended claim 16 to harmonize claim 16 with claim 1 and, therefore, to more clearly recite that communication is established and that with the portable digital imaging device prior to determining whether the type of attachment being sent matches one or more of the types of attachments that can be received by the portable digital imaging device. Similarly, Applicant has amended claims 8 and 15 to recite that the server is also for communicating with the portable digital imaging device. Thus, Applicant has also harmonized claims 8 and 15 with claim 1. Applicant also notes that claims 8 and 15 previously recited elements that facilitated the portable digital imaging device receiving an attachment to an email message. Because the claims, particularly claim 49, previously recited determining the type of attachment after communication is established and because the server's communication with the portable digital imaging device was already recited in claims 8 and 15, Applicant respectfully submits that no new search is required. Applicant has also amended claims 1-6 and 17-22 to remove the phrase the "steps of".

Accordingly, Applicant respectfully submits that no new matter is added by the amendments to the claims.

In the above-identified Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1-35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,687,741 (Ramaley) in view of U.S. Patent No. 6,275,882 (Cheever).

In the above-identified Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner stated that

[a]lthough the claims are amended to recite that the determining step is performed after communication is established with the portable digital device, there is no communication recited between the portable digital imaging device and the sender for instructing the sender not to send any attachment unacceptable to the portable digital imaging device. Without the communication, the sender or the server does not know what type of attachment is acceptable by the portable digital imaging device.

Applicant respectfully traverses the Examiner's rejection of claims 1-16. Applicant notes that only claims 1-7 and 16 recite a method and computer-readable medium, respectively, include a step (or instructions) of determining whether the first type of attachment is the same as the second type of attachment after communication is established with the portable digital imaging device. Applicant has amended claim 1 to incorporate the limitation of claim 49 and, therefore, specifically recite the step of establishing communication with the portable digital imaging device. Claim 16 has been amended to harmonize claim 16 with claim 1. Consequently, claims 1 and 16 now positively recite establishing communication with the portable digital imaging device. Accordingly, Applicant respectfully submits that claims 1 and 16 are clear and definite.

Claims 8-15 recite servers that perform the functions of determining whether the first type of attachment is the same as the second type of attachment after communication is established with the portable digital imaging device. Consequently, Applicant respectfully submits that the Examiner's rejection of claim 8-15 based upon specific steps being performed is inapposite. However, Applicant has amended independent claims 8 and 15 to make it clearer that the server is for communicating with the portable digital imaging device. Accordingly, Applicant respectfully submits that claims 8 and 15 are clear and definite.

Claim 2-7 and 9-14 depend upon claims 1 and 8, respectively. Consequently, the arguments herein apply with full force to claims 2-7 and 9-14. Accordingly, Applicant respectfully submits that claims 2-7 and 9-14 are clear and definite.

Applicant respectfully disagrees with the Examiner's rejection of claims 17-35. First, as discussed above Applicant notes that only claims 1-16 recite methods and a computer-readable medium which include a step (or instructions) of determining whether the first type of attachment is the same as the second type of attachment after communication is established with the portable digital imaging device. Claims 17-35 do not recite steps of, instructions for, or elements which perform the steps cited by the Examiner. Instead, claims 17-35 recite methods, systems and computer-readable media which utilize the portable imaging device to determine the type of attachment, accept the attachment or terminate acceptance of the attachment based on whether the portable digital imaging device allows the attachment. Thus, Applicant respectfully submits that claims 17-35 are already clear and definite. Accordingly, Applicant respectfully submits that claims 1-35 are clear and definite.

The Examiner also rejected claims 1-35 under 35 U.S.C. § 103 as being unpatentable over Ramaley in view of Cheever. In particular, the Examiner cited col. 6, lines 14-20 and col. 5, line 54 of Ramaley.

Applicant respectfully disagrees with the Examiner's rejection. Claim 1 recites a method for allowing a portable digital imaging device to receive an attachment associated with an email message. The portable digital imaging device allows a first type of attachment. The attachment associated with the email message is described a second type. The method recited in claim 1 includes the steps of establishing communication to the portable imaging device, determining whether the first type is the same as the second type prior to sending the attachment to the portable digital imaging device and after the communication has been established. In a preferred embodiment, this step can be performed by reading the email message, determining whether headers associated with attachment(s) are included, and determining the type of attachment. Specification, page 10, lines 2-6. If the first type is the same as the second type, then the attachment is provided to the portable digital imaging device. Otherwise, the attachment is refused to be provided to the portable digital imaging device. Claims 8, 15, and 16 recite analogous server and computer-readable medium claims.

Thus, using the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16, only those attachments that can be recognized or used by the portable digital imaging device are sent to the portable digital imaging device. Specification, page 10, lines 16-17. The portable digital imaging device will not consume its resources, such as battery power, unnecessarily. Specification, page 10, lines 17-19. Further, the user's time is not consumed unnecessarily. Specification, page 10, lines 19-22. In addition, unnecessary traffic generated by

including attachments that cannot be read by the receiving portable digital imaging device may be reduced.

Ramaley in view of Cheever fails to teach or suggest a method, server, or computer readable medium in which the attachment type(s) of the portable digital imaging device (recipient) are compared to the attachment type(s) of the email before being sent. Ramaley in view of Cheever further fails to teach or suggest a method or system in which the attachments are not provided to the digital imaging device if the attachment type(s) do not match the type(s) allowed by the portable digital imaging device.

Applicant agrees that Ramaley describes transmitting emails between devices. However, Ramaley teaches that files desired to be shared with recipients can be sent as attachments to an email, shared through a link, or both. Ramaley, Abstract. In particular, the method and system of Ramaley are implemented in a PC environment. Ramaley, col. 3, lines 36-55 and Fig. 1. When a user desires to send a message, the PC of Ramaley starts the method of Ramaley. Ramaley, Fig. 3, item 302. The system of Ramaley then determines whether a file is stored in a shared disk location. Ramaley, Fig. 3, item 304. If not, then the system of Ramaley sends the file as an attachment to the email message. Ramaley, Figure 3, items 310 and 312. If so, then the system of Ramaley at least sends the recipient a link to the shared location and optionally also sends the file as an attachment. Ramaley, Figure 3, items 312-322.

Although the system of Ramaley can send certain attachments and may not send others, Applicant has found no mention in the cited portion of Ramaley of comparing the first type of attachment allowed by the recipient (the portable digital imaging device) to the second type of an attachment (the type of the actual attachment to be sent). In particular, Applicant can find no mention in Ramaley of determining whether the first type of attachment allowed by the recipient

is the same as the second type of attachment actually desired to be sent prior to sending the attachment to the portable digital imaging device. Instead, Ramaley determines where the sender stores the attachment. Further, Ramaley fails to teach or suggest refusing to provide an attachment based upon a match between the type of attachment and the type allowed by the recipient. Ramaley teaches that a link may be provided in lieu of sending the attachment based on the storage *location*. However, Ramaley expressly allows the attachment to be sent with the email message. Ramaley, Fig. 3, items 320 and 322. Applicant has found no mention in Ramaley of providing the attachment based upon a comparison of the type of attachment to be sent and the type allowed by the recipient. Thus, in contrast, the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16, Ramaley does not compare the attachment type(s) allowed by the recipient (the portable digital imaging device) to the attachment type(s) of the email and does not refuse to send the attachment based upon the results of the comparison.

The citation of Cheever fails to remedy the defects of the cited portion of Ramaley. The cited portions of Cheever merely discuss using a digital imaging device for email. Applicant has failed to find mention in the cited portions of Cheever of comparing the attachment type to a type allowed by the recipient. Applicant is also refusing to send attachments based on the types of attachments allowed by the recipient. Any combination of the cited portions of Ramaley and the cited portions of Cheever, therefore, fail to teach or suggest comparing the attachment type(s) allowed by the portable digital imaging device to the attachment type(s) for the email and refusing to send the attachments to recipients based upon the comparison. Consequently, Ramaley in view of Cheever fail to teach or suggest the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16. Accordingly, Applicant respectfully submits that claims 1, 8, 15, and 16 are allowable over the cited references.

Claims 2-7 and 49 and claims 9-14 depend upon independent claims 1 and 8, respectively. Consequently, the arguments herein apply with full force to claims 2-7, 9-14, and 49. Accordingly, Applicant respectfully submits that claims 2-7, 9-14 and 49 are allowable over the cited references.

Claim 17 recites a method for allowing a portable digital imaging to receive an attachment associated with an email message. The portable digital imaging device utilizes the email message to determine whether the second type of the attachment associated with the email message is the same as a first type of attachment allowed by the portable digital imaging device prior to acceptance of the email message being completed. If the types match, then the attachment is accepted. Otherwise, receipt of the attachment is terminated. Claims 23 and 30 recite an analogous portable digital imaging device and computer-readable medium.

As described above, the cited portion of Ramaley describes a system in which determines whether the attachment is stored in a shared location and may provide a link, the attachment, or both depending upon whether the attachment is stored in a shared location. However, the cited portion of Ramaley does not describe determining whether the type attachments associated with the email message match certain allowed attachments using the email message. In addition, Applicant can find no mention in the cited portion of Ramaley of terminating receipt of the attachment if the type of the attachment does not match an allowed type. Thus, Ramaley fails to teach or suggest the method, portable digital imaging device, and computer-readable medium recited in claims 1, 23, and 30, respectively.

The cited portion of Cheever fails to remedy the defects of the cited portion of Ramaley. The cited portion of Cheever merely indicates that the portable digital imaging device can transmit images and uniform resource locators (URLs) via the Internet. Applicant can find no indication in the cited portion of Cheever that the type of attachment to be sent is compared to the attachment

allowable by the recipient. Applicant also can find no mention in Cheever of the receipt of the attachment being terminated if the attachment type does not match an allowed attachment type. Consequently, if the teachings of Cheever are added to those of Ramaley, the combination would still fail to determine whether the type attachments associated with the email message match certain allowed attachments using the email message. Further, the combination fails to teach or suggest terminating receipt of the attachment if the type of the attachment does not match an allowed type. Consequently, Ramaley in view of Cheever fails to teach or suggest the method, portable digital imaging device, or computer-readable medium recited in claims 17, 23, and 30. Accordingly, Applicant respectfully submits that claims 17, 23, and 30 are allowable over cited references.

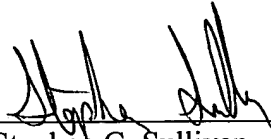
Claims 18-22, 24-29, and 31-35 depend upon independent claims 17, 23, and 30, respectively. Consequently, the arguments herein apply with full force to claims 18-22, 24-29, and 31-35. Accordingly, Applicant respectfully submits that claims 18-22, 24-29, and 31-35 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

June 3, 2004



 Stephen G. Sullivan
 Attorney for Applicant(s)
 Reg. No. 38,329
 (650) 493-4540